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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,046	05/31/2001	Philip Shafer	1014-006US01	9030

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SHUMAKER & SIEFFERT, P. A.
8425 SEASONS PARKWAY
SUITE 105
ST. PAUL, MN 55125

EXAMINER
TIV, BACKHEAN

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/871,046	SHAFER, PHILIP
	Examiner	Art Unit	
	Backhean Tiv	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 March 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-42</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-42</u> is/are rejected.

7)☐ Claim(s) <u>1-33</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Detailed Action

Claims 1-42 are pending in this application. This is a response to the

amendment filed on 3/21/05.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*,
418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

Claims 1-5,10,12-16,21,23-27,32,34-39 are provisionally rejected under the

judicially created doctrine of obviousness-type double patenting as being unpatentable

over claims 1, 3-7,11 of copending Application No. 09/871,458 in view of US Patent

6,640,241 issued to Ozzie et al.(Ozzie). This is a provisional obviousness-type double

patenting rejection.

Claims 1 and 3 of copending Application No. 09/871,458 recites all the limitations

of claims 1,12,23,34-39 of this application except for the limitation of the management

server module, in response to a selection made by a user, emits the replies for

presentation in either a rendered or unrendered format.

Ozzie teaches management server module, in response to a selection made by a user, emits the replies for presentation in either a rendered or unrendered format(col.10, lines 23-45).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the method of application 09/871,458 to add the management server module, in response to a selection made by a user, emits the replies for presentation in either a rendered or unrendered format as taught by Ozzie in order to display data(Ozzie, col.10, lines 33-36).

One of ordinary skilled in the art at the time of the invention would have been motivated to combine application 09/871,458 and Ozzie to coordinate and maintain data pursuant to a data model(Ozzie, col.1, lines 23-27).

Claim 4 of copending application 09/871,458 recites all the limitation of claims 2,13,24 of this application.

Claim 5 of copending application 09/871,458 recites all the limitation of claims 3,14,25 of this application.

Claim 6 of copending application 09/871,458 recites all the limitation of claims 4,15,26 of this application.

Claim 7 of copending application 09/871,458 recites all the limitation of claims 5,16,27of this application.

Claim 11 of copending application 09/871,458 recites all the limitation of claims 10,21,32 of this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent 6,212,559 issued to Bixler et al.(Bixler) in view of US Patent 6,510,434

issued to Anderson et al.(Anderson) in further view of US Patent 6,640,241 issued to

Ozzie et al.(Ozzie).

As per claim 34,35,36,37,38,39 Bixler teaches system comprising:

a client interface to transmit configuration requests and operational requests(col.3, lines

42-67) to a network router, and wherein the client interface receives replies from the

network router(Fig.3B, elements 64,68); and a management server module of the

network router (Fig.4-18B); accessing a schema that maps the tags to configuration and

operational information associated with a chassis module, a device configuration

module, and a routing protocol module running on a network router(Fig.4-

18B,col.2,line34-col.4,line30); accessing the information associated with the software

modules(col.2,line34-col.4,line30); emitting replies according to the schema(Figs.1-

18B,col.5, line23-col.6, line 54).

However, Bixler does not explicitly teach, using extensible markup language tags.

Anderson teaches using extensible markup language tags(Abstract).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the system of Bixler to using extensible markup language tags as taught by Anderson in order to locate desired information(Anderson, col.2, lines 35-39).

One of ordinary skilled in the art at the time of the invention would have been motivated to combine Bixler and Anderson to provide a system to locate information more easily(Anderson, col.1, lines 24-67).

Bixler in view of Anderson however does not explicitly teach emitting replies to the client interface for presentation to a user in either a rendered or unrendered form in response to a selection made by the user.

Ozzie teaches emitting replies to the client interface for presentation to a user in either a rendered or unrendered form in response to a selection made by the user(col.10, lines 21-46).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Bixler in view of Anderson to add the management server module, in response to a selection made by a user, emits the replies for presentation in either a rendered or unrendered format as taught by Ozzie in order to display data(Ozzie, col.10, lines 33-36).

One of ordinary skilled in the art at the time of the invention would have been motivated to combine Bixler, Anderson, Ozzie to coordinate and maintain data pursuant to a data model(Ozzie, col.1, lines 23-27).

Claims 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent 6,212,559 issued to Bixler et al.(Bixler) in view of US Patent 6,510,434

issued to Anderson et al.(Anderson) in further view of US Patent 6,640,241 issued to

Ozzie et al.(Ozzie) in further view of US Patent 6,635,089 issued to Burkett et

al.(Burkett).

Bixler in view of Anderson in further view of Ozzie teaches all the limitations of claims

34 and 35, and further teaches wherein the client interface presents the replies in

rendered form by displaying text or graphics without displaying the extensible markup

language tags used to encode the replies(Bixler, Figs.4-18A), however does not teach

to not render the encoded replies that follows the instruction and presents the encoded

replies in unrendered form by displaying raw output that displays both the replies and

the extensible markup language tags used to encode the replies.

Burkett teaches to not render the encoded replies that follows the instruction and

presents the encoded replies in unrendered form by displaying raw output that displays

both the replies and the extensible markup language tags used to encode the

replies(Fig. 3A-7A, col.11, lines 1-67).

Therefore it would have been obvious to one ordinary skilled in the art at the time

of the invention to modify the teachings of Bixler in view of Anderson in further view of

Ozzie to not render the encoded replies that follows the instruction and presents the

encoded replies in unrendered form by displaying raw output that displays both the

replies and the extensible markup language tags used to encode the replies as taught

by Burkett in order to define the semantics and content of data encoded in a file(Burkett,

col2, lines 20-25).

One ordinary skilled in the art at the time of the invention would have been

motivated to combine the teachings of Bixler, Anderson, Ozzie, and Burkett to provide a

method to define the semantics and content of data encoded in a file to build a directory

service(Burkett, col2, lines 20-67).

Allowable Subject Matter

Claims 1-33 are objected to as being allowable if the double patent rejection is

overcome.

The following is a statement of reasons for the indication of allowable subject

matter:

None of the cited prior art discloses the combination together as a whole system

of a network router management interface compromising:

a client interface that receives, from a network router client, configuration requests and

operational requests encoded with extensible markup language tags; a storage device

storing a network management interface schema that maps the extensible markup

language tags to configuration and operational information associated with software

modules running on a network router, the software modules including a chassis

software module that defines an inventory of components in the network router chassis,

a device configuration software module that defines a physical configuration of the

network router, and a routing protocol module that administers protocols supported by

the network router; a management server software module that parses the configuration

requests and the operational requests received at the client interface and accesses the

corresponding configuration and operational information associated with the chassis

software module, the device configuration software module, and the routing control

software module according to the network management interface schema, and emits to

the client interface replies encoded with extensible markup language tags according to

the network management interface schema, wherein the management server module, in

response to a selection made by a user, emits the replies for presentation in either a

rendered or unrendered format.

Response to Arguments

Examiner withdraws all 112 2nd and specification objection due to applicant's

amendments.

Applicant's arguments filed 3/21/05, as per claims 1-5, 10,12-16, 23-27, 32, 34-

39, have been fully considered but they are not persuasive.

The applicant argues as per claims 1-5, 10,12-16, 23-27, 32, 34-39 that Ozzie

does not teach a management server module, in response to a selection made by a

user, emits the replies for presentation in either a rendered or unrendered format. The

examiner disagrees, Ozzie, Abstract, col.10, lines 23-45, teaches a controller

module(management server module) that is responsive to a locally initiated event

(selection made by a user) and displays the data so that the current data can be viewed

by a user(emits replies for presentation in either a rendered or unrendered format).

Applicant's arguments with respect to claims 39-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

***On July 15, 2005, the Central Facsimile (FAX) Number will change
from 703-872-9306 to 571-273-8300.***

Backhean Tiv
2151
7/13/05

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER